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Attorneys for Petitioner Carpenter

UNITED STATES DISTRICT COURT FOR THE  
FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO

DAVID J. CARPENTER,  
Petitioner,

vs.

ROBERT L. AYERS, Jr., Warden  
of San Quentin State Prison,  
Respondent.

No. C 98-2444 MMC &  
No. C 00-3706 MMC

**DEATH PENALTY CASES**

**STIPULATION TO STAY FURTHER  
PROCEEDINGS PENDING APPEAL  
and  
~~PROPOSED ORDER~~**

Petitioner intends to take an appeal from the Court's order of August 21, 2008. 98-2444 Doc. 182; 00-3706 Doc. 115. In light of the Court's expressed intention to deal with the issue of Mr. Carpenter's current competency prior to addressing Mr. Carpenter's claims for relief (Order of June 19, 2008, at p. 8; 98-2444 Doc. 176; 00-3706 Doc. 109):

The parties hereby stipulate that litigation of all claims and issues in this case other than the issue of Mr. Carpenter's current competency shall be deferred pending resolution of that appeal.

This stipulation is without prejudice to Petitioner's motion, being filed this day, to stay the evaluation of Mr. Carpenter's current competency pending the appeal, and to Respondent's opposition to that motion.

1 Pursuant to section X.B. of General Order No. 45, Robert D. Bacon, attorney for the  
2 petitioner, certifies that concurrence in the filing of this document has been obtained from Deputy  
3 Attorneys General James William Bilderback II and Steve Oetting, attorneys for the respondent.

4 Submitted September 3, 2008.

5 MICHAEL M. CRAIN

6 /s/ Robert D. Bacon  
7 ROBERT D. BACON  
8 Attorneys for Petitioner

9 /s/ James William Bilderback II  
10 JAMES WILLIAM BILDERBACK II  
11 Deputy Attorney General  
12 Attorney for Respondent (No. 98-2444)

13 /s/ Steve Oetting  
14 STEVE OETTING  
15 Deputy Attorney General  
16 Attorney for Respondent (No. 00-3706)

17 PURSUANT TO STIPULATION, IT IS SO ORDERED. Litigation of all claims and  
18 issues in this case other than the issue of Mr. Carpenter's current competency shall be deferred pending  
19 resolution of Mr. Carpenter's appeal from the order of August 21, 2008.

20 Signed September 12, 2008.

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22 MAXINE M. CHESNEY  
23 UNITED STATES DISTRICT JUDGE  
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